



## South Dakota Board of Examiners for Speech-Language Pathology

Mailing Address:  
810 North Main Street, Suite 298  
Spearfish, SD 57783

Phone: (605) 642-1600

E-Mail: [office@sdlicensing.com](mailto:office@sdlicensing.com)  
Home Page: [speechpath.sd.gov](http://speechpath.sd.gov)

### **Draft-Teleconference** **BOARD MEETING AGENDA**

TO: All Board Members  
FROM: Carol Tellinghuisen  
DATE: March 25, 2023  
MEETING DATE: April 21, 2023  
LOCATION: Teleconference

Persons interested in joining the meeting may do so by appearing in person for the conference call at the location listed above or by calling (866) 705-2554. Key in the Passcode: 263756

MEETING TIME: 9:30AM CST / 8:30AM MST

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#### **Agenda Item Number**

1. Call to Order/Welcome
2. Roll Call
3. Corrections or Additions to the Agenda
4. Approval of the Agenda
5. Public Comment at 9:35 a.m. CST
6. Approval of the Minutes from January 6, 2023
7. Financial Update
8. SLP Legislative Updates- HB 1014
9. Other Legislative Updates
10. Administrative Rules Update
11. NCSB Conference, Charlotte, NC- October 5-7, 2023
12. Schedule Next Meeting
13. Any other business
14. Executive Session pursuant to SDCL 1-25-2
  - a. Complaints- if any
15. Adjourn



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### OFFICIAL BOARD MINUTES FOR January 6, 2023 TELECONFERENCE

**MEMBERS PRESENT:** Shirley Hauge, Vice-President  
Mandy Williams, Member  
Julie Holiday, Member  
Nancy Suelflow, Member  
Connie Tucker, Lay Member

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Carol Tellinghuisen, Executive Secretary  
Brooke Tellinghuisen Geddes, Executive Assistant  
Megan Borchert, DOH Board Attorney  
Jennifer Schultz, MTU

**CALL TO ORDER/WELCOME AND INTRODUCTIONS:** Vice President Hauge called the meeting to order at 9:31 AM CDT.

**NEW BOARD MEMBER INTRODUCTIONS:** The Board welcomed new member, Nancy Suelflow.

**ROLL CALL:** Hauge requested Tellinghuisen Geddes to call the roll. Hauge, yes; Williams, yes; Holiday, yes; Suelflow, yes; Tucker, yes. A quorum was present.

**CORRECTIONS OR ADDITIONS TO THE AGENDA:** None

**APPROVAL OF THE AGENDA:** Williams made a motion to approve the agenda. Tucker seconded the motion. **MOTION PASSED** by unanimous voice vote.

**PUBLIC TESTIMONY/PUBLIC COMMENT PERIOD:** None

**APPROVAL OF THE MINUTES FROM AUGUST 19, 2022:** Williams made a motion to approve the minutes as written. Holiday seconded the motion. **MOTION PASSED** by unanimous voice vote.

**FINANCIAL UPDATE:** Tellinghuisen Geddes reported year-to-date figures as of November 30, 2022: revenue of \$36,384.51; expenses of \$23,411.66; and a cash balance of \$242,074.69.

**ASLP-IC UPDATE:** Schultz updated the Board on the compact. She stated 23 states have passed legislation and 3 states are pending legislation to join the compact. She advised that they have held finance meetings to explore options for funding.

**UPDATE ON SLP BILL DRAFT:** Tellinghuisen-Geddes advised that the SLP Bill Draft has been introduced and is House Bill 1014. Williams and the Board office will be testifying on behalf of the Board. The Board office will update the Board as it moves through the legislative process.

**ELECTION OF OFFICERS:** Tucker made a motion to nominate Williams as President and Hauge as Vice-President. Holiday seconded the motion. **MOTION PASSED** by unanimous voice vote.

**DISCUSSION ON SLPA INITIAL SUPERVISION REQUIREMENT:** The Board discussed a question that came before the Board office about clarification on the initial 90-day supervision requirement of a SLPA. Borchert advised that the Board is not in the position to interpret individual situations and that both SLP's and SLPA's are expected to follow the plain meaning of the law. She advised that it is ultimately up to the supervising SLP to make the determination whether or not supervision should start over for a new or previous SLPA and that SLP should have notes and information to back up that they have obtained adequate supervision. Ultimately, it is not a Board issue to decide for individual situations. Borchert advised that the Board should define what supervision requirements should be in administrative rules after legislation passes.

**NEW COMPLAINT DISMISSAL PROCEDURE REMINDER:** Tellinghuisen-Geddes reminded the Board that dismissals on complaints can be reported to the Board before a regular meeting of the Board. Usually via email. Tellinghuisen advised that complaint decisions are always a collaborate effort and decision between the investigating Board member, legal counsel and the Board office. Borchert reminded the Board that only dismissals due to lack of evidence or jurisdiction are reported to the Board in this manner and a action or determination on a license would always come before the full Board.

**SCHEDULE NEXT MEETING:** The next meeting is scheduled for April 21, 2023 at 9:30 a.m. CDT.

**EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2:** The Board did not have a need to enter into executive session.

**EXECUTIVE SECRETARY CONTRACT RENWEAL:** Tucker made a motion to renew the Executive Secretary Contract with Professional Licensing at the current rate with a cost-of-living increase consistent with the cost-of-living increase granted by the State and increase the monthly rent by \$100 per month and increase the allotted expense cap to by \$1,200 per year. Hauge seconded the motion. **MOTION PASSED** by unanimous voice vote.

Hauge made a motion to adjourn at 10:22 a.m. CDT. Suelflow seconded the motion. **MOTION PASSED** by unanimous voice vote.

Respectfully submitted,

*Carol Tellinghuisen*

Carol Tellinghuisen  
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

STATE OF SOUTH DAKOTA  
REVENUE SUMMARY BY BUDGET UNIT  
FOR PERIOD ENDING: 02/28/2023

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AGENCY	BUDGET UNIT	09	HEALTH	BOARD OF SPEECH-LANGUAGE PATHOLOGY -INFO	CURRENT MONTH	YEAR-TO-DATE
CENTER	COMP	ACCOUNT	DESCRIPTION			
COMPANY NO 6503						
COMPANY NAME PROFESSIONAL & LICENSING BOARDS						
092120068622	6503	4293201	INITIAL APPLICATION FEE	200.00-	8,790.00	
092120068622	6503	4293202	LICENSE FEE	250.00	7,020.00	
092120068622	6503	4293203	RENEWAL FEE	250.00	20,850.00	
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	300.00	36,660.00	*
ACCT: 42			LICENSES, PERMITS & FEES	300.00	36,660.00	*
092120068622	6503	4920045	NONOPERATING REVENUES	.00	1,874.51	**
ACCT: 4920			NONOPERATING REVENUE	.00	1,874.51	*
ACCT: 49			OTHER REVENUE	.00	1,874.51	**
CNTR: 092120068622				300.00	38,534.51	***
CNTR: 092120068				300.00	38,534.51	****
CNTR: 0921200				300.00	38,534.51	*****
COMP: 6503				300.00	38,534.51	*****
B UNIT: 09212				300.00	38,534.51	*****

STATE OF SOUTH DAKOTA  
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT  
FOR PERIOD ENDING: 02/28/2023

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AGENCY BUDGET UNIT CENTER-5	09 09212 09212	HEALTH BOARD OF SPEECH-LANGUAGE PATHOLOGY -INFO BOARD OF SPEECH-LANGUAGE PATHOLOGY -INFO	COMP ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503						
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS						
092120068622	6503	510103000000000000	BOARD & COMM MBRS FEES	240.00	720.00		*
ACCT: 5101		EMPLOYEE SALARIES		240.00	720.00		*
092120068622	6503	510201000000000000	OAST-EMPLOYER'S SHARE	18.36	55.08		*
ACCT: 5102		EMPLOYEE BENEFITS		18.36	55.08		*
ACCT: 51		PERSONAL SERVICES		258.36	775.08		**
092120068622	6503	520303000000000000	AUTO-PRIV (IN-ST.) H/RTE	727.26	727.26		*
092120068622	6503	520310000000000000	LODGING/IN-STATE	189.31	189.31		*
092120068622	6503	520315000000000000	NON-TAXABLE MEALS/IN-ST	202.00	256.00		*
ACCT: 5203		TRAVEL		1,118.57	1,172.57		*
092120068622	6503	520405000000000000	COMPUTER CONSULTANT	398.00	2,786.00		*
092120068622	6503	520408000000000000	LEGAL CONSULTANT	3,534.91	30,381.75		*
092120068622	6503	520409000000000000	MANAGEMENT CONSULTANT	162.18	846.45		*
092120068622	6503	520420000000000000	CENTRAL SERVICES	55.73	556.80		*
092120068622	6503	520427000000000000	HUMAN RESOURCES SERVICES				*
092120068622	6503	520496000000000000	OTHER CONTRACTUAL SERVICE <i>Detained</i>				*
ACCT: 5204		CONTRACTUAL SERVICES		4,150.82	35,666.76		*
ACCT: 52		OPERATING EXPENSES		5,269.39	36,839.33		**
COMP: 6503		PROFESSIONAL & LICENSING BOARDS		5,527.75	37,614.41		***
CENTER: 092120068622				5,527.75	37,614.41		****
B UNIT: 09212				5,527.75	37,614.41		*****

AGENCY: 09 HEALTH  
BUDGET UNIT: 09212 BOARD OF SPEECH-LANGUAGE PATHOLOGY -INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100068622	1140000	230,021.94	DR	
COMPANY/SOURCE TOTAL	6503	686	230,021.94	DR *	
COMP/BUDG UNIT TOTAL	6503	09212	230,021.94	DR **	BD OF EXAMINERS FOR SPEECH-LANGUAGE PATH
BUDGET UNIT TOTAL	09212		230,021.94	DR ***	



## 2023 South Dakota Legislature

# House Bill 1014

*Introduced by: The Committee on Health and Human Services at the request of the Board of Examiners for Speech-Language Pathology*

1   **An Act to update provisions related to the licensure of speech-language pathologists**  
 2       **and speech-language pathology assistants.**

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4   **Section 1. That § 36-37-1 be AMENDED:**

5       **36-37-1.** Terms used in this chapter mean:

- 6       (1) "Board," the Board of Examiners for Speech-Language Pathology;
- 7       (2) ~~"Department," the Department of Health;~~
- 8       (3) ~~"Endoscopy," an imaging procedure included within the scope of practice for~~  
 9           ~~speech-language pathologists in which a speech-language pathologist uses a~~  
 10          ~~flexible/nasal endoscopy, rigid/oral endoscopy, or stroboscopy for the purpose of~~  
 11          ~~evaluating and treating disorders of speech, voice, resonance, and swallowing~~  
 12          ~~function;~~
- 13       (4) ~~"Mentorship," the direct on-site supervision and monitoring of a speech-language~~  
 14          ~~pathologist with a provisional license by a licensed speech-language pathologist;~~
- 15       (5) ~~"Provisional license," the license issued to an applicant who is practicing speech-~~  
 16          ~~language pathology while completing the supervised postgraduate professional~~  
 17          ~~experience following completion of master's degree in speech-language pathology;~~
- 18       (6)(3) "Speech-language pathologist," any person who engages in the practice of speech-  
 19          language pathology and who ~~meets the qualifications set forth in~~ is licensed in  
 20          accordance with this chapter;
- 21       (7)(4) "Speech-language pathology assistant," any person who assists in the practice of  
 22          speech-language pathology and who meets the qualifications set forth in this  
 23          chapter; and
- 24       (8) ~~"Telepractice," "telespeech," "telespeech-language pathology," or "telehealth,"~~  
 25          ~~whether used separately or together. Telepractice service means the application of~~



1           telecommunication technology to deliver speech-language pathology at a distance  
2           for assessment, intervention, or consultation.

3           (5) "Supervision," the direct, on-site monitoring by a speech-language pathologist of  
4           a speech-language pathology assistant or a speech-language pathologist with a  
5           provisional license.

6       **Section 2. That § 36-37-2 be AMENDED:**

7           **36-37-2.** For the purposes of this chapter, the practice of speech-language  
8           pathology is the application of principles, methods, and procedures related to the  
9           development, disorders, and effectiveness of human communication and related functions  
10          including providing prevention, screening, consultation, assessment, ~~evaluation,~~  
11          diagnosis, treatment, ~~intervention,~~ management, counseling, collaboration, and referral  
12          services for disorders of speech, language, feeding, and swallowing, and for cognitive  
13          aspects of communication. The practice of speech-language pathology ~~also~~ includes  
14          establishing:

15        (1) Establishing augmentative and alternative communication techniques and  
16           strategies, including developing, selecting, and prescribing of ~~such systems~~  
17           techniques, strategies, and devices, excluding the dispensing and fitting of hearing  
18           aids pursuant to chapter 36-24, ~~providing:~~

19        (2) Providing services to individuals with hearing loss and their families, ~~screening~~  
20           persons;

21        (3) Screening individuals for hearing loss or middle ear pathology using conventional  
22           pure-tone air conduction methods, otoacoustic emissions screening, or screening  
23           typanometry, ~~using:~~

24        (4) Using instrumentation to observe, collect data, and measure parameters of  
25           communication and swallowing, ~~selecting:~~

26        (5) Selecting, fitting, and establishing effective use of prosthetic or adaptive devices  
27           for communication, swallowing, or other upper aerodigestive functions, ~~and~~  
28           providing

29        (6) Providing services to modify or enhance communication performance.

30       **Section 3. That § 36-37-4 be AMENDED:**

31           **36-37-4.** Any person who ~~holds any~~ possessed a speech-language pathologist  
32           certificate from the South Dakota Department of Education as of July 1, 2012, and does  
33           not otherwise meet the qualifications set forth in this chapter, may apply to the board for

1 ~~and a limited license to practice as a speech-language pathologist. The board shall be~~  
2 ~~granted renew a limited license to practice as a speech language pathologist as long as~~  
3 ~~if:~~

- 4 (1) ~~The person's initial application is made for a limited license was submitted~~ no later  
5 than July 1, 2014; and  
6 (2) ~~The applicant complies with the provisions of subdivisions 36-37-14(1), (2), and~~  
7 ~~(7) person:~~  
8 (a) Submits an application for renewal on a form prescribed by the board;  
9 (b) Pays the application fee established by the board, in accordance with § 37-  
10 36-12; and  
11 (c) Has not committed an act for which disciplinary action is justified.

12 The board shall promulgate rules, pursuant to chapter 1-26, to prescribe the limits  
13 of the license shall be determined by the board in rules promulgated pursuant to chapter  
14 1-26 authorized by this section.

15 **Section 4. That § 36-37-6 be AMENDED:**

16 **36-37-6.** Any person who is licensed as a speech-language pathologist in ~~South~~  
17 ~~Dakota~~ this state may perform assessment, treatment, and procedures related to speech,  
18 voice, resonance, and swallowing function using nonmedical endoscopy as long as the  
19 person has received training and is competent to perform these procedures. A licensed  
20 speech-language pathologist shall have protocols in place for emergency medical backup  
21 when performing procedures using an endoscope.

22 For the purposes of this section, the term, endoscopy, means an imaging procedure  
23 within the scope of practice for speech-language pathologists in which a speech-language  
24 pathologist uses a flexible nasal endoscopy, rigid oral endoscopy, or stroboscopy for the  
25 purpose of evaluating and treating disorders of speech, voice, resonance, or swallowing  
26 function.

27 **Section 5. That § 36-37-7 be AMENDED:**

28 **36-37-7.** Any person who is licensed ~~as a speech-language pathologist in South~~  
29 ~~Dakota~~ pursuant to this chapter may provide speech-language pathology services via  
30 ~~telepractice~~ telehealth. Services delivered via ~~telespeech~~ telehealth must be  
31 equivalent to the quality of services delivered face-to-face.

32 For the purposes of this section, the term, telehealth, has the meaning provided in  
33 § 34-52-1.

1     **Section 6. That § 36-37-8 be AMENDED:**

2             ~~36-37-8. There is hereby created~~The Governor shall appoint a five-member Board  
3     of Examiners for Speech-Language Pathology under the supervision of the Department of  
4     Health. ~~The board shall consist of five members appointed by the Governor who are~~  
5     ~~residents of this state. Four of the members shall be~~ The board must consist of:

6     (1) Four speech-language pathologists who are:

7             (a) Are residents of this state;

8             (b) Are currently licensed in good standing and practicing speech-language  
9             pathology, who have; and

10            (c) Have at least five years of experience practicing speech-language  
11            pathology; ~~and who hold a license to practice speech-language pathology~~  
12            ~~in this state, except for the first speech-language pathologists appointed~~  
13            ~~who need only meet the eligibility requirements for licensure~~

14     (2) One representative of the public who is:

15            (a) A resident of this state; and

16            (b) Not associated with, or financially interested in, the practice or business of  
17            speech-language pathology.

18            ~~At least one of the members who is~~ member must be a speech--language  
19     ~~pathologist shall be employed in a school setting, and at least one of the members who is~~  
20     ~~member must be~~ a speech-language pathologist shall be employed in a health care  
21     ~~setting. One of the members shall be a representative of the public who is not associated~~  
22     ~~with or financially interested in the practice or business of speech-language pathology.~~

23            The board shall annually elect from its members a president and vice-president.

24     **Section 7. That § 36-37-9 be AMENDED:**

25            ~~36-37-9. Each appointment to the board shall be~~ is for a period of three years  
26     ~~except for the initial appointments which shall be for staggered terms. Each member shall~~  
27     serve until the expiration of the term for which the member has been appointed or until  
28     the member's successor is appointed and qualified to serve on the board. If a vacancy  
29     occurs other than by expiration of a term, the Governor shall appoint a qualified person  
30     to fill the vacancy for the unexpired term. No member may serve more than three  
31     consecutive three-year terms.

32            The Governor may remove any member of the board for unprofessional conduct,  
33     incompetence, or neglect of duty.

1     **Section 8. That § 36-37-10 be AMENDED:**

2             **36-37-10.** ~~The board shall meet during the first quarter of each calendar year to~~  
3     ~~select a chair and vice chair and to conduct other business. At least one additional meeting~~  
4     ~~shall be held before the end of each calendar year. Additional meetings may be convened~~  
5     ~~at the call of the chair or at the request of two or more board members.~~

6             ~~Four members of the board constitutes a quorum to do business if the majority of~~  
7     ~~the members present are speech language pathologists~~ meet at least twice each year, at  
8     times and places determined by a majority of the board. The board may hold additional  
9     meetings as determined by the president or a majority of the board.

10    **Section 9. That § 36-37-14 be AMENDED:**

11            ~~To be eligible for licensure by the~~ The board may issue a speech-  
12    ~~language pathologist, the applicant shall~~ license to a person who:

- 13    (1)   ~~Submit~~ Submits an application, ~~upon~~ on a form prescribed by the board;
- 14    (2)   ~~Pay~~ Pays the application fee established by the board, in accordance with § 36-37-  
15         12;
- 16    (3)   ~~Possess~~ Possesses a master's or doctoral degree from an educational institution  
17         that is accredited, or has been awarded accreditation candidate status, by the  
18         accrediting agency of the American Speech-Language-Hearing Association and  
19         ~~from~~ is an educational institution approved by the United States Department of  
20         Education;
- 21    (4)   ~~Complete~~ Has completed supervised clinical practicum experiences from an  
22         educational institution or its cooperating programs;
- 23    (5)   ~~Complete~~ Has completed a supervised postgraduate professional experience;
- 24    (6)   ~~Pass~~ Has passed a written national examination in speech-language pathology; and
- 25    (7)   ~~Have~~ Has committed no act for which disciplinary action ~~may be~~ is justified.

26            Any license issued to a speech-language pathologist who possesses a master's or  
27    doctoral degree from an educational institution awarded candidate status by the American  
28    Speech-Language-Hearing Association automatically expires if the educational institution  
29    fails to maintain candidacy status or is denied accreditation. The speech-language  
30    pathologist shall inform the board of any changes to the educational institution's candidacy  
31    status.

32    **Section 10. That § 36-37-15 be AMENDED:**

1           **36-37-15.** The board shall ~~waive the qualifications in subdivisions 36-37-14(3),~~  
2           ~~(4), (5), and (6) for any applicant~~ issue a speech-language pathologist license to a person  
3           ~~who has filed an application with the board, has paid the application fee, has not~~  
4           ~~committed any act for which disciplinary action may be justified and:~~

- 5           (1)   ~~Presents proof of current licensure in a state that has standards that are equivalent~~  
6           ~~to or greater than those of this state~~ Submits an application on a form prescribed  
7           ~~by the board in rules promulgated in accordance with chapter 1-26; or~~  
8           (2)   Pays the application fee established by the board, in accordance with § 36-37-12;  
9           (3)   Holds a current, unrestricted license from a state with substantially equivalent  
10           licensure standards, or a Certificate of Clinical Competence in Speech-Language  
11           Pathology from the American Speech-Language-Hearing Association; and  
12           (4)   Has not committed any act that constitutes grounds for refusal, suspension, or  
13           revocation of a license.

14   **Section 11. That § 36-37-17 be AMENDED:**

15           **36-37-17.** The board shall issue a provisional license ~~in speech-language~~  
16           ~~pathology to an applicant~~ a person who:

- 17           (1)   Except for the postgraduate professional experience, meets the academic,  
18           practicum, and examination requirements of this chapter;  
19           (2)   Submits an application, ~~upon~~ on a form prescribed by the board, ~~including a plan~~  
20           ~~for the content of the postgraduate professional experience;~~  
21           (3)   Pays the application fee established by the board for a provisional license, in  
22           accordance with § 36-37-12; and  
23           (4)   Has not committed any act for which disciplinary action ~~may be~~ is justified.

24           A person holding a provisional license may practice speech-language pathology  
25           only while working under the mentorship supervision of a ~~licensed~~ speech-language  
26           pathologist who ~~meets the qualifications of~~ is licensed in accordance with § 36-37-14, 36-  
27           37-15, or 36-37-16. The board shall promulgate rules, in accordance with chapter 1-26,  
28           to establish the term for a provisional license and the conditions for its renewal ~~shall be~~  
29           ~~determined by the board in rules promulgated pursuant to chapter 1-26.~~

30   **Section 12. That § 36-37-18 be AMENDED:**

31           **36-37-18.** The board shall issue a speech-language pathology assistant license to  
32           ~~an applicant~~ a person who:

- 33           (1)   Submits an application, ~~upon~~ on a form prescribed by the board;

- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Holds an associate's degree in speech-language pathology assisting or a bachelor's degree with a major emphasis in speech-language pathology or communication sciences and disorders from an accredited ~~academic~~ educational institution;
- (4) ~~Submits an official transcript verifying necessary~~ Verifies required academic preparation and clinical experiences;
- (5) Completes ~~a supervised clinical practicum of a~~ minimum of one hundred ~~clock~~ hours of supervised clinical experience as a speech-language pathology assistant while either on the job or during academic preparation; and
- (6) Has committed no act for which disciplinary action is justified.

While completing the supervised clinical experience required in subdivision (5), neither the applicant nor the supervising speech-language pathologist may represent the applicant as a licensed speech-language pathology assistant. The supervising speech-language pathologist must be available at all times when the applicant is competing on-the-job clinical fieldwork.

**Section 13. That chapter 36-37 be amended with a NEW SECTION:**

The board shall issue a speech-language pathology assistant license to a person who:

- (1) Submits an application on a form prescribed by the board in rules promulgated in accordance with chapter 1-26;
- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Holds a current, unrestricted license from a state with substantially equivalent licensure standards, or a current Certification in Speech-Language Pathology Assisting from the American Speech-Language-Hearing Association; and
- (4) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license.

**Section 14. That § 36-37-19 be AMENDED:**

**36-37-19.** Any person who is employed as a paraprofessional providing speech-language pathology services, under the direct supervision of a speech-language pathologist, ~~who holds~~ possessed a speech-language pathologist certificate from the South Dakota Department of Education as of July 1, 2012, and does not otherwise meet the qualifications set forth in this chapter may apply for ~~and shall be granted~~ a speech-language pathology assistant license ~~and~~. The board shall issue a speech-language

1 pathology assistant license, and the person may continue to practice as a speech-language  
2 pathology assistant as long as the person:

- 3 (1) ~~The~~Submitted an initial application ~~was made for an assistant license~~ no later than  
4 July 1, 2014;  
5 (2) ~~The applicant~~Has continued to render speech-language pathology services in the  
6 ~~public school or~~ school district where the ~~applicant~~ person was employed at the  
7 time of initial application, with no break in employment; and  
8 (3) ~~The~~ Pays the renewal fee ~~is paid~~ established by the board, in accordance with § 36-  
9 37-12.

10 **Section 15. That § 36-37-20 be AMENDED:**

11 **36-37-20.** ~~An~~A speech-language pathology assistant ~~shall~~ must be supervised by  
12 a ~~licensed~~ speech-language pathologist, or a speech-language pathologist with a limited  
13 license who has, who has at least three two years of experience ~~as a speech-language~~  
14 ~~pathologist. Any time licensed as a provisional speech-language pathologist counts toward~~  
15 the two-year experience requirement The supervising speech-language pathologist:

- 16 (1) Is responsible for the extent, kind, and quality of service provided by the assistant,  
17 consistent with the board's designated standards and requirements;  
18 (2) Shall ensure that persons receiving services from an assistant receive prior written  
19 notification that services are to be provided, in whole or in part, by a speech-  
20 language pathology assistant;  
21 (3) May not supervise more than three speech-language pathology assistants at one  
22 time.

23 ~~An~~A speech-language pathology assistant may have more than one supervisor ~~if~~  
24 ~~the board is notified.~~

25 **Section 16. That § 36-37-21 be AMENDED:**

26 **36-37-21.** The board may impose ~~separately, or in combination,~~ any of the  
27 following disciplinary actions on a ~~licensee~~ speech-language pathologist or a speech-  
28 language-pathology assistant after formal or informal disciplinary action:

- 29 (1) Refuse to ~~issue or~~ renew a license;  
30 (2) Issue a letter of reprimand or concern;  
31 (3) ~~Require restitution of fees;~~  
32 (4) ~~—~~Impose probationary conditions;

- 1       ~~(5)~~(4) Require the licensee to reimburse reimbursement to the board for costs of the  
2           investigation and proceeding;  
3       ~~(6)~~(5) Suspend or revoke a license;  
4       ~~(7)~~(6) Impose practice or supervision requirements, or both; or  
5       ~~(8)~~(7) Require licensees to attend attendance at continuing education programs specified  
6           by the board as to content and hours.

7       **Section 17. That § 36-37-23 be AMENDED:**

- 8           **36-37-23.** The board may take disciplinary actions for the following conduct:  
9       (1)     Fraudulently or deceptively obtaining ~~or~~, attempting to obtain, using, or altering a  
10           license or a provisional license;  
11       (2)     ~~Fraudulently or deceptively using a license or provisional license;~~  
12       ~~(3) — Altering a license or provisional license;~~  
13       ~~(4) — Aiding or abetting unlicensed practice;~~  
14       ~~(5)~~(3) Selling, bartering, or offering to sell or barter a license or provisional license;  
15       ~~(6)~~(4) Committing fraud or deceit in the practice of speech-language pathology, including:  
16           (a)     Willfully making or filing a false report or record in the practice of speech-  
17                    language pathology;  
18           (b)     Submitting a false statement to collect a fee; or  
19           (c)     Obtaining a fee through fraud or misrepresentation;  
20       ~~(7)~~(5) Using or promoting, or causing the use of, any misleading, deceiving, improbable,  
21           or untruthful advertising matter, promotional literature, testimonial, guarantee,  
22           warranty, label, brand insignia, or any other representation;  
23       ~~(8)~~(6) Falsely representing the use or availability of services or ~~advise~~ advice of a  
24           physician;  
25       ~~(9)~~(7) Misrepresenting the applicant, licensee, or holder, by using the term, doctor, or  
26           any similar word, abbreviation, or symbol if the use is not accurate or if the degree  
27           was not obtained from ~~a regionally~~ an accredited institution;  
28       ~~(10)~~(8)    Committing any act of dishonesty, immorality, or unprofessional conduct while  
29           engaging in the practice of speech-language pathology;  
30       ~~(11)~~(9)    Engaging in illegal, incompetent, or negligent practice;  
31       ~~(12) — Providing professional services while:~~  
32       ~~(a) — Mentally incompetent;~~  
33       ~~(b) — Under the influence of alcohol;~~



- (e) ~~Using any narcotic or controlled dangerous substance or other drug that is in excess of therapeutic amounts or without valid medical indication;~~
- ~~(13)~~(10) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products;
- ~~(14)~~(11) Violating any provision of this chapter, or any lawful order given, or rule adopted, by the board;
- ~~(15)~~(12) Being convicted or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, as defined in § 22-1-2, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- ~~(16)~~(13) Being disciplined by a licensing or disciplinary authority of any state or country, or any nationally recognized professional organization, or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- ~~(17)~~(14) Exploiting a patient for financial gain or sexual favors;
- ~~(18)~~(15) Failing to report suspected cases of child abuse or vulnerable adult abuse;
- ~~(19)~~ ~~Diagnosing or treating a person for speech disorders by mail or telephone unless the person has been previously examined by the licensee and the diagnosis or treatment is related to such examination; or~~
- ~~(20)~~(16) Violating federal, state, or local laws relating to the profession;
- (17) Not reporting discipline by another state or territory under federal jurisdiction to the board; or
- (18) Not reporting a conviction of any felony offense, or any conviction of a criminal offense arising out of the practice of speech-language pathology.
- ~~The board shall adopt, by rules promulgated pursuant to chapter 1-26, a schedule of sanctions to be imposed as the result of formal or informal disciplinary activities conducted by the board.~~

**Section 18. That § 36-37-24 be AMENDED:**

**36-37-24.** The board may take disciplinary action or suspend, revoke, or reissue a license ~~or certification~~ only after a hearing conducted by a hearing examiner appointed by the board or by a majority of the members of the board.

Any disciplinary proceeding or proceeding relative to the revocation or suspension of a license or certification ~~shall~~ must otherwise conform to the procedure set forth in chapter 1-26 and chapter 36-1C.

1 Any decision of the board to discipline, suspend, revoke, or reissue a license or  
2 certification requires a majority vote of the board-membership.

3 ~~Any party feeling aggrieved by any acts, rulings, or decisions of the board acting~~  
4 ~~pursuant to § 36-37-21, 36-37-22, or 36-37-23, has the right to appeal under the~~  
5 ~~provisions of chapter 1-26.~~

6 **Section 19. That chapter 36-37 be amended with a NEW SECTION:**

7 Any person licensed pursuant to this chapter shall inform the board, within ninety  
8 days, of any change in name, place of employment, or place of business. A post office box  
9 number may not be the address of a place of business.